



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,170	12/21/2000	Sang On Park	0465-0791P	6704

2292 7590 01/23/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

[REDACTED] EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
2653	3

DATE MAILED: 01/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/741,170	Applicant(s) PARK, SANG ON
	Examiner Aristotelis M Psitos	Art Unit 2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 December 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Art Unit: 2653

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1- 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, as disclosed and claimed, the system detects a wobbled signal from the disc when/outside recording and reproducing times. This is not understood, nor is it considered operable. The examiner doesn't understand how any system (CD recording and reproducing) can detect any thing from the disc when no recording and/or reproducing modes are in operation. Although the claims include the term "regular" prior to record/reproduce -(the slash is interpreted as the word OR – the examiner recommends inserting such word in place of the slash (/)) – this term fails to either further define or distinguish the detection ability. None of the dependent claims clarify the above deficiency and fall with their respective parent claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2,4-6,8,9,11-12,14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following problems/indefiniteness of the dependent claims exist. Correction/clarification is respectfully requested.

Art Unit: 2653

- a) With respect to claim two, it is written in improper idiomatic English. This is because as normally understood a signal is applied to a process, such as a phase locked loop, as opposed to applying a process to a signal as written.
- b) With respect to claim 4 confusion arises with the use of the word section and sections. No section or sections of an optical medium have been identified. Additionally no step to provide for recognition or acknowledgment of these sections has been positively recited. Hence the desired result of this method to claim does not clearly fall.
- c) With respect to claims 5 and 11, no window section has been the following nor any step of prop up properly recognizing such has been defined.
- d) With respect to claim 6, again the setting up of certain sections is not understood nor clarified. Also the use of the acronym TZC, is not understood. Further identification and clarification is respectfully requested.
- e) With respect to claim 8 although the free running state is understood, the additional capability in which only focus servo is turned on has not been properly establish.
- f) With respect claim 9, this is a desired result however, no steps that to establish either the existence of a different signal or low pass filtering has been properly established.
- g) With respect to claim 12 again in the difficulty of the term certain sections, tcz, and in the establishment of a rising and falling edge renders this claim indefinite period.
- h) With respect to dependent claims 14 through 20, these are all written as desired results with no additional elements to perform such functions. The examiner is not certain as to how or from what element such functions follow.

As far as the claims recite positive limitations to following rejections one heart are made.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in-

Art Unit: 2653

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-4, 13-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al.

applicant's attention is drawn to col. 3, lines 20 through 56. The examiner interprets the reading of the wobbled signal prior to the recording and reproducing areas on the disc as meeting the limitations of the first step in claim 1. Applicants attention is also drawn to the system figure as found in figure 3 and the disclosure thereof which clearly indicates a phase locked loop signal ability and the spindle rotating speed. Both the method and apparatus claims as identified above are considered met by this document.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 7 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al considered with Naito.

Art Unit: 2653

With respect to these claims, the Yoshida et al. reference is relied upon for the reasons stated above. Although it is not clear whether a free running state is first established in this document, the ability of such and subsequently having the tracking servo engaged is taught by the secondary reference to Naito, see figure 11 for instance and its description.

It would have been obvious to one of ordinary skill in the art to modify the basic system of ✓ Yoshida et al. with the above teachings from a Naito motivation to permit, and initialization state for the spindle motor, the free running state. The limitations of the depending claims are considered inherently present in the primary reference and no further explanation is given.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents are cited as illustrative of alternative prior art disk drive abilities in this environment. The Yanagi and the Ohta et al documents are cited for their initialization focusing and spindle servo control abilities. The remaining cited documents are cited for further elaborations of the wobbled track signal ability is especially for use in this environment to control spindle motor controls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2653

AMP
January 16, 2002